

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

NATIONAL FAIR HOUSING
ALLIANCE, *et al.*,

Plaintiffs,

v.

BANK OF AMERICA, N.A., *et al.*,

Defendants.

Case No.: 1:18-CV-01919-SAG

**DEFENDANTS' MOTION TO SEAL DOCUMENTS RELATED TO THEIR
MEMORANDUM OF LAW IN OPPOSITION TO PLAINTIFFS' MOTION FOR
PARTIAL SUMMARY JUDGMENT AND IN SUPPORT OF DEFENDANTS' CROSS-
MOTION FOR SUMMARY JUDGMENT ON BURDEN-SHIFTING FRAMEWORKS**

Defendants Bank of America, N.A. ("Bank of America"), and Safeguard Properties Management, LLC ("Safeguard") (together, "Defendants"), by and through undersigned counsel and pursuant to Local Rule 105.11 and the Stipulation and Order for the Production and Exchange of Confidential Information (the "Confidentiality Order") (ECF 85), hereby move for an order sealing certain documents in connection with their Memorandum of Law in Opposition to Plaintiffs' Motion for Partial Summary Judgment and in Support of Defendants' Cross-Motion for Summary Judgment on Burden-Shifting Frameworks ("Memorandum of Law"). In support thereof, Defendants state the following:

1. Concurrently with this filing, Defendants are filing a redacted version of their Memorandum of Law. Defendants are filing unredacted version of the Memorandum of Law, as well as certain exhibits that have either been marked "Confidential" pursuant to Paragraph 1 of the

Confidentiality Order or reference information derived from documents that are marked “Confidential” pursuant to the Order.

2. Defendants seek to seal an unredacted copy of their Memorandum of Law, which contains information that is derived from documents marked “Confidential.” A redacted version of the document will be publicly filed.

3. Further, Defendants seek to seal the following exhibits, which have been marked “Confidential”:

- 1) Exhibit 3, Expert Report of Marcel A. Bryar, dated and served by Safeguard on Plaintiffs on November 15, 2021;
- 2) Exhibit 4, Excerpts of the deposition of Sergio Montelongo Jr., taken on November 4, 2021;
- 3) Exhibit 5, Excerpts of the deposition of Andrew Priesmeyer, taken on December 3, 2021;
- 4) Exhibit 6, Excerpts of the deposition of Brandon Silvey, taken on November 17, 2021;
- 5) Exhibit 7, Document bates-stamped BANA-NFHA-LIT_0322036;
- 6) Exhibit 8, Document bates-stamped BANA-NFHA-LIT_0317075;
- 7) Exhibit 9, Document bates-stamped BANA-NFHA-LIT_0317111;
- 8) Exhibit 10, Document bates-stamped BANA-NFHA-LIT_0001658;
- 9) Exhibit 11, Excerpts of the deposition of Brandon Silvey, taken on August 11, 2021;
- 10) Exhibit 12, Document bates-stamped BANA-NFHA-LIT_0312154;
- 11) Exhibit 13, Document bates-stamped BANA-NFHA-LIT_0312165;
- 12) Exhibit 14, Document bates-stamped BANA-NFHA-LIT_0312185;
- 13) Exhibit 15, Document bates-stamped BANA-NFHA-LIT_0507652;
- 14) Exhibit 16, Document bates-stamped BANA-NFHA-LIT_0329504;
- 15) Exhibit 17, Declaration of Michael Greenbaum in Support of Safeguard’s Motion for Summary Judgment, May 11, 2022 (exhibits excluded);
- 16) Exhibit 18, Excerpts of the deposition of Joe Iafigliola, taken on January 28, 2022;
- 17) Exhibit 19, Document bates-stamped SG00350482;
- 18) Exhibit 20, Document bates-stamped SG00393088;

- 19) Exhibit 21, Document bates-stamped SG00133500;
- 20) Exhibit 22, Document bates-stamped SG00505860;
- 21) Exhibit 23, Document bates-stamped SG00010668;
- 22) Exhibit 26, Defendant Bank of America's Responses and Objections to Plaintiffs' First Phase III Interrogatories, dated and served on Plaintiffs on July 28, 2023;
- 23) Exhibit 28, Excerpts of the deposition of Laurence Chance, taken on January 23, 2024;
- 24) Exhibit 29, Excerpts of the deposition of Robert Bromley, taken on February 9, 2024;
- 25) Exhibit 30, Document bates-stamped SG00191506;
- 26) Exhibit 31, Document bates-stamped BANA-NFHA-LIT_0007088;
- 27) Exhibit 33, Document bates-stamped SG00205458;
- 28) Exhibit 34, Document bates-stamped SG00304987;
- 29) Exhibit 35, Document bates-stamped SG00241829;
- 30) Exhibit 36, Document bates-stamped SG00079945;
- 31) Exhibit 37, Document bates-stamped BANA-NFHA-LIT_0011370;
- 32) Exhibit 39, Document bates-stamped SG00351136;
- 33) Exhibit 41, Document bates-stamped BANA-NFHA-LIT_0014925C;
- 34) Exhibit 43, Document bates-stamped BANA-NFHA-LIT_0014975C;
- 35) Exhibit 46, Document bates-stamped SG00351201;
- 36) Exhibit 47, Document bates-stamped SG00352963;
- 37) Exhibit 49, Document bates-stamped BANA-NFHA-LIT_0015027C;
- 38) Exhibit 51, Document bates-stamped SG00352096;
- 39) Exhibit 53, Document bates-stamped SG00351520;
- 40) Exhibit 54, Excerpt of document bates-stamped SG00185688;
- 41) Exhibit 55, Excerpt of document bates-stamped SG00185724;
- 42) Exhibit 56, Document bates-stamped SG00238376;
- 43) Exhibit 57, Document bates-stamped SG00239537;
- 44) Exhibit 59, Document bates-stamped BANA-NFHA-LIT_0417011;
- 45) Exhibit 60, Document bates-stamped BANA-NFHA-LIT_0344565;
- 46) Exhibit 61, Document bates-stamped BANA-NFHA-LIT_0329897;
- 47) Exhibit 62, Document bates-stamped BANA-NFHA-LIT_0556478;
- 48) Exhibit 63, Document bates-stamped BANA-NFHA-LIT_0151821;

- 49) Exhibit 64, Document bates-stamped SG00371515;
- 50) Exhibit 65, Document bates-stamped SG00384564;
- 51) Exhibit 66, Document bates-stamped SG00531799;
- 52) Exhibit 67, Document bates-stamped SG00043908;
- 53) Exhibit 68, Document bates-stamped BANA-NFHA-LIT_0003585;
- 54) Exhibit 69, Document bates-stamped BANA-NFHA-LIT_0003316;
- 55) Exhibit 70, Document bates-stamped SG00069820;
- 56) Exhibit 71, Document bates-stamped BANA-NFHA-LIT_0006386;
- 57) Exhibit 72, Document bates-stamped BANA-NFHA-LIT_0413648;
- 58) Exhibit 73, Document bates-stamped BANA-NFHA-LIT_0413489;
- 59) Exhibit 74, Document bates-stamped SG00650991;
- 60) Exhibit 75, Document bates-stamped BANA-NFHA-LIT_0413117;
- 61) Exhibit 76, Document bates-stamped BANA-NFHA-LIT_0331900;
- 62) Exhibit 77, Document bates-stamped BANA-NFHA-LIT_0395398;
- 63) Exhibit 78, Document bates-stamped BANA-NFHA-LIT_0413810;
- 64) Exhibit 79, Document bates-stamped BANA-NFHA-LIT_0413727;
- 65) Exhibit 80, Document bates-stamped SG00729246;
- 66) Exhibit 83, Document bates-stamped BANA-NFHA-LIT_0151158C;
- 67) Exhibit 84, Excerpts of the deposition of Michael Hamm, taken on February 1, 2024;
- 68) Exhibit 85, Excerpts of the deposition of Michael Greenbaum, taken on July 26, 2021;
- 69) Exhibit 86, Document bates-stamped BANA-NFHA-LIT_0009246;
- 70) Exhibit 87, Document bates-stamped SG00658859;
- 71) Exhibit 88, Excerpt of document bates-stamped SG00598166;
- 72) Exhibit 89, Document bates-stamped SG00203147;
- 73) Exhibit 90, Document bates-stamped SG00203174;
- 74) Exhibit 91, Document bates-stamped SG00203546;
- 75) Exhibit 92, Document bates-stamped SG00203700;
- 76) Exhibit 93, Document bates-stamped SG203890;
- 77) Exhibit 94, Document bates-stamped SG00205100;
- 78) Exhibit 95, Document bates-stamped SG00205531;
- 79) Exhibit 96, Document bates-stamped MMFHC 000526;

80) Exhibit 97, Document bates-stamped SG00188799.

4. No party to this case or this Honorable Court will suffer prejudice if the above-referenced Memorandum of Law and exhibits are sealed.

WHEREFORE, for the foregoing reasons, Defendants Bank of America, N.A and Safeguard Properties Management, request that this Honorable Court enter an order sealing the unredacted version of their Memorandum of Law in Opposition to Plaintiffs' Motion for Partial Summary Judgment and in Support of Defendants' Cross-Motion for Summary Judgment on Burden-Shifting Frameworks, Exhibits 3-23, 26, 28-31, 33-37, 39, 41, 43, 46-47, 49, 51, 53-57, 59-80, 83-97 thereto, and for such other and further relief as the Court deems proper.

[Signatures follow on the next page]

Dated: August 28, 2024

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on August 28, 2024, a copy of the foregoing Defendants' Motion to Seal Documents Related to its Memorandum of Law in Opposition to Plaintiffs' Motion for Partial Summary Judgment and in Support of Defendants' Cross-Motion for Summary Judgment on Burden-Shifting Frameworks, and Proposed Order was filed and served via CM/ECF, on all counsel of record.

/s/ Melissa O. Martinez
Melissa O. Martinez